

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

JERRY BRUNSON

PETITIONER

versus

CIVIL ACTION NO. 2:09cv210-KS-MTP

J. J. STREETER and JIM HOOD

RESPONDENTS

ORDER

THIS MATTER is before the court on a Motion [16] to Vacate and the Right to Confront his Accuser [16] filed by Petitioner. In this motion, it appears that Petitioner is requesting that certain individuals be called as witnesses in this matter.¹ It is not clear how these individuals would have information relevant to the claims asserted by Petitioner in his habeas petition. At any rate, this motion is premature. There is presently pending before the court a Motion [15] to Dismiss Pursuant to § 2244(d) filed by Respondents. Accordingly, until the court rules on the Motion to Dismiss and determines whether Petitioner's habeas petition should be reviewed on its merits, Petitioner's instant request is moot.

IT IS, THEREFORE, ORDERED that Petitioner's Motion [16] to Vacate and the Right to Confront his Accuser is denied.

SO ORDERED AND ADJUDGED this the 18th day of December, 2009.

s/ Michael T. Parker

United States Magistrate Judge

¹ Although there is no rule, per se, allowing the calling of witnesses in a habeas proceeding, the court liberally construes Petitioner's motion as requesting an evidentiary hearing pursuant to Rule 8 of the Rules Governing Section 2254 Cases in the United States District Courts.